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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,932	11/15/2005	Magnus Hallenstal	P16768-US1	2075
27045	7590	08/26/2008	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			AFOLABI, MARK O	
			ART UNIT	PAPER NUMBER
			4122	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/521,932	<b>Applicant(s)</b> HALLENSTAL ET AL.	
	<b>Examiner</b> MARK O. AFOLABI	<b>Art Unit</b> 4122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/25/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This communication is in response to application No. 10/521,932 filed on 10/06/2003, claims 1-10 have been examined.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholtens et. al. (US 7,054,273) (hereafter Scholtens) in view of Rosu (US 5,359, 649).

Regarding claim 1, a method of testing end to end relations between an originating gateway and a destination gateway in an IP network, which method comprises the following steps:

reserving call handling resources in the destination gateway;

sending data packets from the originating gateway to the reserved call handling resources in the destination gateway

looping back the received data packets, from the destination gateway to the originating gateway;

providing quality statistics for the received data packets, in the originating gateway

Scholtens teaches a method of testing end to end relations between an originating gateway ('originating gateways' Fig. 1—item 100A) and a destination gateway ('terminating gateways' Fig. 1—item 100B) in an IP network ('internet protocol (IP)' col. 6, lines 54-58) (Fig. 1), which comprises reserving call handling resources

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("call control" Fig. 1—item 120B) in the destination gateway (Fig. 1—item 100B) (Fig. 1 and col. 4, lines 31-37);

sending data packets from the originating gateway (Fig. 1—item 100A) to the reserved call handling resources ("call control" Fig. 1—item 120B) in the destination gateway (Fig. 1—item 100B) (Fig. 1 and col. 4, lines 15-24) and looping back ['loopback' Fig. 5] the received data packets [packets], from the destination gateway (100B) to the originating gateway (col. 5, lines 32-48);

Scholtens does not explicitly teach providing quality statistics for the received data packets.

However, Rosu teaches providing quality statistics for the received data packets, in the originating node (col. 14, lines 48-58 and col. 9, lines 20-28, "disturbance level" noted to indicate 'quality statistics for the data packets').

It would have been obvious to one of ordinary skill in the art at the time invention was made, given the suggestions of Scholtens and Rosu to show quality statistics for the received data packets in a network performance results and set the performance standards within the network as part of testing the link.

One would be motivated to utilize a quality statistics or service quality or any statistical tools for received data packets to estimate or calculate successful call completions in any end to end network communication.

Regarding claim 2, which method comprises the following further steps:

sending a seizure signal ("signaling system 7" Fig. 1—item 126, ) from the originating gateway to the destination gateway specifying a desired number of call handling resources (call control network) (col. 4, lines 3-12 and col. 3, lines 10-28, Scholtens);

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sending a resource ready signal [createack] from the destination gateway (Fig. 3B—item 280) to the originating gateway, identifying the reserved call handling resources (Fig. 3A—item 235) in the destination gateway (Fig. 3B—item 270 and 275, Scholtens);

Regarding claim 3, which method comprises the following further step:

exchanging in a header (ATM header) of the received data packets before loop-back, a field defining an originating call handling resource (“originating call controller” Fig. 4) with a field defining a destination call handling resource (“terminating call controller” Fig. 4), (col. 5, lines 31-51, Scholtens).

Regarding claim 4, which method comprises the following further step:

specifying in the destination gateway, a time interval during which the test is set to go on (col. 5, line 63 through col. 6, line 5 and col. 7, lines 10-19, Scholtens).

Regarding claim 5, which method comprises the following further steps:

reserving call handling resources (Fig. 1—item 120A) in the originating gateway (Fig. 3A—item 235 and col. 4, lines 13-18, Scholtens);

configuring call handling resources (Fig. 1—item 120A) in the originating gateway (col. 2, lines 14-16, Scholtens);

Regarding claim 6. Arrangement to test end to end relations between an originating gateway and a destination gateway in an IP network, which comprises:

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means (Fig. 1—item 120B) for reserving call handling resources in the destination gateway (Fig. 1);

means (Fig. 1—item 102A) for sending data packets from the originating gateway to the reserved call handling resources (Fig. 1—item 120B) in the destination gateway (Fig. 1, Scholtens)

means ('loopback' Fig. 5) for looping back the received data packets, from the destination gateway to the originating gateway (col. 5, lines 32-48, Scholtens);

means (Fig. 10—item 103, Rosu) in the originating gateway for providing quality statistics for the received data packets (col. 14, lines 48-58, Rosu).

Regarding claim 7 comprises:

means (Fig. 1—item 126, Scholtens) for sending a seizure signal from the originating gateway to the destination gateway, specifying a desired number of call handling resources (call control network) (col. 4, lines 3-12 and col. 3, lines 10-28, Scholtens);

means (Fig. 1—item 225, Scholtens) for sending a resource ready signal from the destination gateway (Fig. 3B—item 280) to the originating gateway, identifying the reserved call handling resources (Fig. 3A—item 235) in the destination gateway (col. 3, lines 10-35, Scholtens).

Regarding claim 8 comprises means (Fig. 1—item 115) for exchanging in a header of the received data packets before loop-back, a field defining an originating call handling resource ("originating call controller" Fig. 4) with a field defining a destination call handling resource ("terminating call controller" Fig. 4) (Fig. 4, Scholtens).

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Regarding claim 9, which comprises means (Fig. 5—item 132) for specifying in the destination gateway, a time interval during which the test is set to go on (col. 7, lines 10-19, Scholtens).

Regarding claim 10, comprising:

Means (“call control” Fig. 1—item 120A) for reserving call handling resources in the originating gateway (‘originating gateways’ Fig. 4) (Fig. 4 and col. 4, lines 13-18, Scholtens);

Means (“call control” Fig. 1—item 120A) for configuring call handling resources in the originating gateway (‘originating gateways’ Fig. 4) (Fig. 4 and col. 2, lines 14-16, Scholtens).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK O. AFOLABI whose telephone number is (571) 270-5627. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ M. A. /

Mark O. Afolabi

AU: 4122

/ASHOK PATEL/

Primary Examiner, Art Unit 2154